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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/855,180      | 05/14/2001  | Lavada Campbell Boggs | KCC-14,485          | 8191             |

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EXAMINER

REICHLER, KARIN M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855180

Applicant(s)

BOGGS et al

Examiner

Reiche

Group Art Unit

3761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-6-02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-58 is/are pending in the application.
- Of the above claim(s) 4-5, 7, 9-11, 13-14, 20-24 & 28-58 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3, 6, 8, 12, 15-19 & 25-27 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 5-14-01 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 285
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Applicant's election without traverse of Group I, the species of Figure 7 in Paper No. 7 is acknowledged.

2. Claims 4-5, 7, 9-11, 13-14, 20-24 and 28-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Claims 45, 9-11, 13-14, 20-24 and 28, contrary to Applicant's election thereof, do not read on the elected species, i.e. not shown in the claimed location, etc., in Figure 7.

The restriction and election set forth in Paper No 6 is deemed proper and made FINAL.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

4. The drawings are objected to because Figure 3 and the description thereof in the "BRIEF DESCRIPTION" section are inconsistent, i.e. Figure partly in section but not described as such. In Figures 4-7, why are different structures, e.g. the 4 different laminates, all denoted with similar numerals, e.g. 100? In Figure 3, the lower right 30 does not denote the right element. In Figure 11, the roller next to 342 should be labelled 344. A proposed drawing correction or corrected drawings are required in reply to the

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Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The use of the trademark CELGARD® (Page 43) (1<sup>st</sup>), KRATON®, LYCRA®, PEBAX®, HYTREL®, AFFINITY® (Page 30), EXXPOL®, KRATON®, EXACT®, ENGAGE®, (Page 31), INSITE® (Page 32) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Trademarks should be shown in all capital letters or with a trademark symbol.

6. The disclosure is objected to because of the following informalities: (1) In Figure 5, what is 116? 2) Where is the Detailed description of what is shown in Figures 12A – 14. D? 3) What is 47 in Figure 8? Also, there is already different structure denoted 47 in Figures 2 and 3. 4) On page 38, line 5, after “342”, should “–344–” be inserted? This also applies to page 40, line 20. 5) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention as claimed are not commensurate in scope. See MPEP 608.01(d) and 1302.01. 6) On page 40, line 6, “ot” should be “to”. 7) On page 43, is “Vapometer” a trademark? “Blue M Power-O-Matic (Page 43, lines 21-22)? “MTS Sintec Model 1/S” (Page 28, line 1)?

Appropriate correction is required.

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7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 12, 15-19 and 25, are rejected under 35 U.S.C. 102(b) as being anticipated by Pieniak, '562.

The material is member 20, see Figure 1, See also column 10, lines 52-55, column 2, lines 43-51, column 5, lines 3-12 . With regard to claims 9-24, see column 2, line 59 – column 3, line 6.

9. Claims 1-3, 6, 8, 12, 15-19, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by 3M PCT '264.

See Figures, page 4, line 15 – page 5, line 3, page 7, lines 6-23, page 11, lines 19-31, page 16, lines 24 et seq, page 21, line 22- page 24, line 14, page 27, lines 24-26.

The Examiner's regular work schedule is Monday-Thursday.

Any inquiry concerning this communication should be directed to Karin Reichle at telephone number (703) 308-2617.

K. Reichle:bhw

June 22, 2002

*K.M. Reichle*  
Karin Reichle  
Patent Examiner